

THE HONORABLE ROBERT S. LASNIK  
THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRUCE KEITHLY, DONOVAN LEE, and )  
EDITH ANNA CRAMER, Individually and on )  
Behalf of all Others Similarly Situated, )

Plaintiff, )

v. )

INTELIUS, INC., A Delaware Corporation; and )  
INTELIUS SALES, LLC, A Nevada Limited )  
Liability Company, )

Defendants. )

MATTHEW BEBBINGTON, Individually and )  
on Behalf of all Others Similarly Situated, )

Plaintiff, )

v. )

INTELIUS, INC., A Delaware Corporation; and )  
INTELIUS SALES, LLC, A Nevada Limited )  
Liability Company, )

Defendants. )

No. C09-1485RSL

DECLARATION OF MARK A. GRIFFIN  
IN SUPPORT OF PLAINTIFFS'  
MOTION TO CONSOLIDATE  
RELATED CASES AND APPOINT  
INTERIM CO-LEAD COUNSEL

No. C10-500RAJ

Pursuant to 28 U.S.C. § 1746, I, Mark A. Griffin, declare as follows:

DECLARATION OF MARK A. GRIFFIN IN SUPPORT  
OF PLAINTIFFS' MOTION TO CONSOLIDATE RELATED  
CASES AND APPOINT INTERIM CO-LEAD COUNSEL  
(No. 09-cv-00045 RAJ) Page - 1

LAW OFFICES OF  
**KELLER ROHRBACK L.L.P.**  
1201 THIRD AVENUE, SUITE 3200  
SEATTLE, WASHINGTON 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

1           1.       I am Counsel representing the Plaintiff Class in these matters and am licensed to  
2 practice in this State. I make this Declaration based on personal knowledge and am competent to  
3 testify to the matters set forth herein.

4           2.       Keller Rohrback L.L.P. has considerable experience in class action litigation, as  
5 illustrated by the firm's Complex Litigation Group Resume, a true and correct copy of which is  
6 attached hereto as Exhibit 1. During the past 20 years, the Complex Litigation Group at Keller  
7 Rohrback L.L.P. has litigated dozens of class action cases that resulted in the recovery of over \$4  
8 billion for the benefit of victims of price fixing conspiracies, securities fraud, breaches of  
9 fiduciary duties, and deceptive practices.

10           3.       My firm has been involved in over 20 cases alleging violations of the Washington  
11 Consumer Protection Act ("WCPA") in which reported opinions have been issued. These  
12 include:  
13

- 14           • *Brotherson v. Professional Basketball Club LLC*, 262 F.R.D. 564 (W.D. Wash. 2009).  
15           2009 WL 454736 (W.D. Wash. Feb. 23, 2009), 2008 WL 4426872 (W.D. Wash.  
16           Sept. 26, 2008);
- 17           • *Dwyer v. Kislak*, 103 Wn. App. 542 (Div. 1 2000);
- 18           • *Geraci v. Homestreet Bank*, 203 F.Supp.2d 1211 (W.D. Wash. 2002);
- 19           • *Griffith v. Centex Real Estate Corporation*, 93 Wn. App. 202, 969 P.2d 486 (Div. 1  
20           1998);
- 21           • *Hansen v. Ticket Track, Inc.*, 280 F. Supp. 2d 1196 (W.D. Wash. 2003);
- 22           • *Kavu, Inc. v. Omnipak Corporation*, 246 F.R.D. 642 (W.D. Wash. 2007);
- 23           • *Mortimore v. Federal Deposit Insurance Corporation*, 197 F.R.D. 432 (W.D. Wash.  
24           2000);

- *Pelletz v. Weyerhaeuser Company*, 592 F. Supp. 2d 1322 (W.D. Wash. 2009), 255 F.R.D. 537 (W.D. Wash. Jan. 9, 2009);

4. On July 29, 2009, the Honorable Richard A. Jones appointed Keller Rohrback L.L.P. as interim class counsel in a contest over leadership of *In Re Classmates.com Consolidated Litigation*, Master Case No. C09-0045RAJ. Judge Jones also appointed Keller Rohrback L.L.P. as class counsel in another consumer case when granting class certification. *Brotherson v. The Professional Basketball Club, L.L.C.*, 262 F.R.D. 564, 574 (W.D. Wash. 2009).

5. On January 9, 2009, the Honorable John C. Coughenour found that the hourly rates charged by my firm are reasonable in awarding class counsel attorney's fees in another class action. He also found that my firm has "substantial experience in consumer class action litigation." *Pelletz v. Weyerhaeuser Co.*, 592 F. Supp. 2d 1322, 1329 (W.D. Wash. 2009).

6. On January 24, 2008, Chief Judge Robert S. Lasnik of the Western District of Washington made the following comments about the settlement in *Kavu, Inc. v. Omnipak Corp.*, No. 06-109RSL, a case alleging violations of the WCPA:

I have signed the proposed findings and conclusions and the final approval order and judgment, and I do believe that this is a successful -- sometimes people ask me what is the whole purpose behind class action, because it seems that the victims get virtually nothing, the attorneys get everything, and society hasn't been advanced much in the process. But I think this is an example of how [a] class action works, and I was very pleased to see it come to this conclusion. So thank you very much

7. In *Hansen v. Ticket Track, Inc.*, 213 F.R.D. 412, 416 (W.D. Wash. 2003), the Honorable Marsha J. Pechman appointed Keller Rohrback L.L.P. class counsel finding that the "firm is experienced in class action litigation and management." This case alleged violations of the WCPA.

1           8.       In *Mortimore v. Federal Deposit Insurance Corporation*, 197 F.R.D. 432, 437  
2 (W.D. Wash. 2000), Judge Coughenour appointed Keller Rohrback L.L.P. class counsel finding  
3 that it is “well qualified to represent the class in this case.” That case also alleged violations of  
4 the WCPA.

5           9.       Keller Rohrback has held leadership roles in several complex litigation cases  
6 involving consumer protection claims. The firm presently serves on Plaintiffs’ Executive  
7 Committee in a consolidated action against Microsoft Corporation in which plaintiffs claim  
8 defective design of Microsoft’s Xbox 360 game console. *In re Microsoft Xbox 360 Scratched*  
9 *Disc Litigation*, No. 2:07-cv-01121-JCC (W.D. Wash.). Judge Coughenour appointed Keller  
10 Rohrback to this position on August 20, 2007.

11           10.      Keller Rohrback is the chair of the Plaintiffs’ Executive Committee in the Mattel  
12 Lead litigation. *In re Mattel, Inc., Toy Lead Paint Products Liability Litigation*, MDL Docket  
13 No. 1897, No. 2:07-ml-01897-DSF-AJW (C.D. Cal. filed May 16, 2008). The Mattel class  
14 action arises out of the nationwide recall of millions of lead-contaminated toys or toys containing  
15 small magnets which could cause massive internal injuries and death if the magnets were  
16 swallowed and attracted each other inside a child’s body. In her Order on the Motion to Dismiss,  
17 588 F.Supp.2d 1111 (C.D. Cal. 2008), Judge Dale S. Fischer upheld numerous causes of action  
18 against manufacturer and retail defendants, including but not limited to: breach of express and  
19 implied warranties, negligence, and strict liability.

20           11.      Keller Rohrback serves on the Plaintiffs’ Steering Committee managing the  
21 Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation. *In Re Bisphenol-A*  
22 *(BPA) Polycarbonate Plastic Products Liability Litigation*, MDL Docket No. 1967, Master Case  
23  
24  
25  
26

1 No. 4:08-1967-MD-W-ODS (W.D. Mo.). Plaintiffs brought consumer protection and other  
 2 claims on behalf of purchasers of certain products, such as baby bottles, containing BPA.

3 12. The firm served as co-lead counsel representing plaintiffs who alleged that  
 4 Spokane-based Ticket Track, Inc. violated the Washington State Consumer Protection Act and  
 5 other laws by collecting and attempting to collect violation fees in addition to parking lot fees  
 6 owed. Judge Pechman appointed Keller Rohrbach to the position on July 11, 2002. The Court  
 7 granted class certification. *Hansen v. Ticket Track, Inc.*, 213 F.R.D. 412 (W.D. Wash. 2003).  
 8 The Court also granted partial summary judgment in favor of the class. *Hansen v. Ticket Track,*  
 9 *Inc.*, 280 F.Supp.2d 1196 (W.D. Wash. 2003). Ticket Track was permanently enjoined from  
 10 engaging in this illegal activity, and the Legal Aid for Washington Fund received almost  
 11 \$228,000 under the cy pres doctrine, the largest donation in the organization's history.  
 12

13 13. The firm brought a series of direct action suits in Washington federal court and in  
 14 Oregon state court on behalf of the owners of large commercial buildings against Louisiana  
 15 Pacific Corporation, alleging that LP exterior siding was defective and breached applicable  
 16 warranties. These cases alleged violations of the WCPA. Keller Rohrbach obtained settlements  
 17 for our clients totaling more than \$25 million.  
 18

19 14. The firm represented a class of owners of credit cards issued by First USA Bank  
 20 who signed up for "introductory rate" credit cards that were subject to false and deceptive  
 21 "repricing." This case alleged violations of the WCPA. A settlement in this class action resulted  
 22 in an automatic depricing benefit of over \$50 million plus over \$36 million in benefits from other  
 23 settlement-related offers.  
 24

25 15. The firm represented a class of borrowers who were charged unsecured fees as  
 26 part of the payoff of their real estate loans. This case alleged violations of the WCPA. The

1 original suit was dismissed on summary judgment, but the Washington State Court of Appeals  
2 reversed and remanded. *Dwyer v. Kislak*, 103 Wn.App. 542 (Div. 1 2000). A settlement was  
3 achieved and approved by the King County Superior Court. Subsequently, the firm brought 11  
4 other actions based on the same practices that resulted in class settlements.

5  
6 16. During the past six years, Keller Rohrbach L.L.P. has brought seventeen fax  
7 blasting class action lawsuits that allege violations of the WCPA resulting in the issuance of  
8 eleven permanent injunctions and the recovery of \$12,124,793 in settlements and \$778,429,000  
9 in judgments.

10 17. On April 1, 2010, we received a copy of the Supplemental Declaration of Tyler  
11 Farmer ISO Intelius's Motion To Transfer, filed in MDL Docket No. 2140. A true and correct  
12 copy of the Farmer Declaration is attached as Exhibit 2.

13  
14 I declare under penalty of perjury of the laws of the United States that the foregoing is  
15 true and correct.

16 Dated this 1st day of April, 2010 at Seattle, Washington.

17  
18 s/Mark A. Griffin

19 Mark A. Griffin, WSBA #16296

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2010, I caused to be served a true and correct copy of the  
DECLARATION OF MARK A. GRIFFIN IN SUPPORT OF PLAINTIFFS' MOTION TO  
CONSOLIDATE RELATED CASES AND APPOINT INTERIM CO-LEAD COUNSEL on the  
following recipients via the method indicated:

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Tyler Farmer, WSBA #39912  
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tylerf@dhlt.com

*Attorneys for Intelius, Inc and  
Intelius Sales, LLC*

DATED this 1st day of April, 2010.

s/Karin B. Swope  
Karin B. Swope